Zoning: R-10
CAC: Central
Drainage Basin: Rochester
Acreage: 0.68
Number of Lots: 5

Planner: Ryan Boivin
Phone: (919) 996-2681

Applicant: John Phelps
Phone: 919-787-3658
LOCATION: This site is located on the west side of Garner Road and north side of Como Drive. The site is addressed at 2530 Garner Rd, which is inside City limits.

REQUEST: Subdivision of a 0.68 acre tract zoned R-10 into five (5) lots for residential detached homes. The proposed lot sizes are:

- Lot 1 – 4,383 SF/0.10 acres
- Lot 2 – 4,383 SF/0.10 acres
- Lot 3 – 4,383 SF/0.10 acres
- Lot 4 – 4,383 SF/0.10 acres
- Lot 5 – 10,767 SF/0.25 acres

DESIGN ADJUSTMENT(S)/ ALTERNATES, ETC: A Design Adjustment was approved for UDO Section 8.3.2 providing relief from block perimeter requirements.

FINDINGS: City Administration finds that this request, with the below conditions of approval being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan submitted by John Y. Phelps, Jr, Professional Surveyor.

CONDITIONS OF APPROVAL and NEXT STEPS:

Note: This document must be applied to the second sheet of all future submittals with the exception of final plats.

PRIOR TO THE ISSUANCE OF ANY SITE PERMITS OR APPROVAL OF CONCURRENT REVIEW PROCESS, WHICHEVER IS APPLICABLE:

STORMWATER

1. These lots are exempt per UDO Section 9.2.2.A.2.b.i as a residential subdivision of one acre or less approved after May 1, 2001, but are subject to impervious limitations of subsection A.4 and subject to further review upon placement of impervious surface areas.

2. Issuance of a mass grading permit for disturbance of more than 12,000 sf will be required.

3. Next Step: In accordance with Part 10A Section 9.4.4 of the Unified Development Ordinance, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City.

PRIOR TO AUTHORIZATION TO RECORD LOTS:

ENGINEERING

4. The required right of way for proposed and/or existing streets shall be dedicated to the City of Raleigh and shown on the map approved for recordation.
5. A 5' general utility easement and associated deed of easement shall be approved by the City and the location of the easement shall be shown on the map approved for recordation. The deed of easement shall be recorded at Wake County Register of Deeds within one (1) day of recordation of the recorded plat. A recorded copy of these documents must be provided to the Development Services Department within 14 days from authorization of lot recordation. If a recorded copy of the documents is not provided within this 14-day period, further recordings and building permit issuance may be withheld.

6. In accordance with Part 10A Section 8.1.10, a fee-in-lieu for 3.5' of road width for Garner Rd and 1' of sidewalk along the property frontage of Garner Rd is paid to the City of Raleigh.

7. **Next Step:** In accordance with Part 10A Section 8.1.3, a public infrastructure surety is provided to the City of Raleigh Development Services – Development Engineering program.

8. The shown change to the driveway to ensure compliance with the Raleigh Street Design Manual 6.5.7.J will need to occur prior to map recordation. The existing driveway will need to be a minimum of 3.5' away from the proposed property line.

**STORMWATER**

9. **Next Step:** All stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures shall be shown on all plats for recording as private drainage easements.

**EXPIRATION DATES:** If significant construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval before permits may be issued. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

3-Year Sunset Date: 6-27-2021
Record at least 1/3 of the land area approved.

5-Year Sunset Date: 6-27-2023
Record entire subdivision.

I hereby certify this administrative decision.

Signed: [Planning Dir./Designee] [Signature] Date: 6/27/20

Staff Coordinator: Ryan Boivin
Design Adjustment
Staff Response

Per Section 10.2.18.C of the Unified Development Ordinance, the Development Services Director, or designee, shall consult with the heads of other City Departments regarding the review of the request. The Development Services Director, or designee, shall approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Jiles Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Case Number</td>
<td>S-3-18</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>542367</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 34 - 2018</td>
</tr>
</tbody>
</table>

Staff recommendation based upon the findings in the applicable code(s):

- [x] UDO Art. 8.3 Blocks, Lots, Access
- [ ] UDO Art. 8.5 Existing Streets
- [ ] UDO Art. 8.4 New Streets
- [ ] Raleigh Street Design Manual

Staff SUPPORTS [x] DOES NOT SUPPORT [ ] the design adjustment request.

DEPARTMENTS

- [ ] Dev. Services Planner
- [x] Development Engineering
- [ ] Engineering Services
- [ ] Public Utilities
- [ ] City Planning
- [ ] Transportation
- [ ] Parks & Recreation and Cult. Res.

STAFF RESPONSE

CONDITIONS:

Development Services Director or Designee Action: [x] APPROVE [ ] APPROVE WITH CONDITIONS [ ] DENY

Authorized Signature

Date

*The Development Services Director may authorize a designee to sign his/her stead. Please print name and title next to signature. Appeal of the decision from the Development Services Director, or his or her designee, shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings.

A. The requested design adjustment meets the intent of this Article;
   YES [√] NO [ ]

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   YES [√] NO [ ]

C. The requested design adjustment does not increase congestion or compromise Safety;
   YES [√] NO [ ]

D. The requested design adjustment does not create any lots without direct street Frontage;
   YES [√] NO [ ]

E. The requested design adjustment is deemed reasonable due to one or more of the following:
   1. Topographic changes are too steep;
   2. The presence of existing buildings, stream and other natural features;
   3. Site layout of developed properties;
   4. Adjoining uses or their vehicles are incompatible;
   5. Strict compliance would pose a safety hazard; or
   6. Does not conflict with an approved or built roadway construction project
   7. adjacent to or in the vicinity of the site.
   YES [√] NO [ ]

**STAFF FINDINGS**

Staff supports the request for a design adjustment as it relates to block perimeter. The property to the north, the only direction for a stubbed street, does not have a favorable site layout to constitute a stubbed street at that location. The best stubbed street location exists to the west of the property at an existing "L" intersection. Any future stubs should occur here for vehicular safety and road spacing.
Design Adjustment Application

The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sec. 8.3.6, Sec. 8.4.1.E and Sec. 8.5.1.6 of the UDO or the Raleigh Street Design Manual.

<table>
<thead>
<tr>
<th>PROJECT OWNER</th>
<th>CONTACT OWNER</th>
<th>REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name: JILES SUBDIVISION</td>
<td>THOMAS JILES AND WIFE ANNIE LEE JILES</td>
<td>I am seeking a Design Adjustment from the requirements set forth in the following:</td>
</tr>
<tr>
<td>Case Number: S-03-18</td>
<td>Address: 2530 GARNER ROAD</td>
<td>- See page 2 for findings</td>
</tr>
<tr>
<td>Transaction Number: 542367</td>
<td>State: NC, Zip Code: 27610</td>
<td>- See page 3 for findings</td>
</tr>
<tr>
<td>Name: JOHN Y. PHELPS PLS-1319</td>
<td>City: RALEIGH</td>
<td>- See page 4 for findings</td>
</tr>
<tr>
<td>Firm: JOHN PHELPS SURVEYOR</td>
<td>Address: PO BOX 30122</td>
<td>- See page 5 for findings</td>
</tr>
<tr>
<td>State: NC, Zip Code: 27612</td>
<td>Phone: 919-787-3658</td>
<td></td>
</tr>
</tbody>
</table>

Provide details about the request (please attach a memorandum if additional space is needed):

It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request. Applicant must be the Property Owner.

By signing this document, I hereby acknowledge the information on this application is, to my knowledge, accurate.

Owner/Owner's Representative Signature: [Signature] Date: 5-8-18

CHECKLIST

- [ ] Signed Design Adjustment Application
- [ ] Page(s) addressing required findings
- [ ] Plan(s) and support documentation
- [ ] Notary page (page 6) filled out; Must be signed by property owner
- [ ] First Class stamped and addressed envelopes with completed notification letter

Submit all documentation, with the exception of the required addressed envelopes and letters to:

Development Services, Development Engineering
One Exchange Plaza, Suite 500
Raleigh NC, 27601

For Office Use Only

REVISION 1/30/2018
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings. Describe how each item is met:

A. The requested design adjustment meets the intent of this Article;
   SEC 8.3 BLOCKS-B8 SPEAKS TO PREEXISTING DEVELOPMENT. GARNER ROAD HAS EXISTED FOR YEARS, AT ONE TIME IT WAS ONE OF THE MAIN HIGHWAYS IN AND OUT OF RALEIGH. COMO STREET FIRST SHOWS UP AS A PROPOSED ROAD IN BOOK OF MAPS 1946 PAGE 120.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   ON PAGE 247 OF THE CITY OF RALEIGH'S COMPREHENSIVE PLAN UD 7.1 STATES "RECOGNIZE AND EMPHASIZE THE ECONOMIC VALUE OF QUALITY DESIGN IN REDEVELOPMENT THE PROPOSED SUBDIVISION WILL BRING NEW RESIDENTS INTO AN OLDER NEIGHBORHOOD"

C. The requested design adjustment does not increase congestion or compromise safety;
   THIS SUBDIVISION WILL ALLOW FOUR NEW HOMES BE PLACED ON THE EXISTING COMO DRIVE, COMO DRIVE HAS ACCESS INTO GARNER ROAD AND BOONE TRAIL WHICH HAS ACCESS INTO RUSH ST. AUTOMOBILE ACCESS SHOULD WORK WELL, SIDEWALKS WILL BE PLACED ALONG THE NORTH SIDE OF COMO DR. THAT WILL TIE INTO THE EXISTING SIDEWALKS.

D. The requested design adjustment does not create any lots without direct street frontage;
   ALL STREETS ARE EXISTING AND DEDICATED FOR PUBLIC USE.

E. The requested design adjustment is deemed reasonable due to one or more of the following:
   1. Topographic changes are too steep;
   2. The presence of existing buildings, stream and other natural features;
   3. Site layout of developed properties;
   4. Adjoining uses or their vehicles are incompatible;
   5. Strict compliance would pose a safety hazard; or
   6. Does not conflict with an approved or built roadway construction project
   7. adjacent to or in the vicinity of the site.

   REASON #3 SITE LAYOUT OF EXISTING STREETS
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Jacqueline R. Phelps, a Notary Public do hereby certify that
Thomas P. Miles personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

8 day of May, 2018

Notary Public

My Commission Expires: August 23, 2018